

REMARKS

This submission is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. In response to the Office Action dated March 25, 2004, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance. Applicants also wish to thank the Examiner for the courtesies extended during the telephone interview of May 19, 2004.

In the Office Action, claims 1, 2, 5-8 and 27 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,021,181 to Miner et al. (Miner '181) in view of U.S. Patent No. 6,047,053 (Miner '053) to Miner et al. Claims 3, 4 and 10 were rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent 6,021,181 to Miner et al. in view of U.S. Patent 6,385,303 to Peterson et al. Claims 13-16 were rejected over U.S. Patent 6,021,181 to Miner et al. in view of U.S. Patent 5,479,489 to O'Brien. For the reasons set forth below, Applicants traverse the rejections below and respectfully request that the rejections associated with the pending claims (i.e. claims 1-8, 10, 13-16 and 27) be withdrawn.

In accordance with the Examiner's suggestions, Applicants have amended claim 1 to recite, "receiving an indication from the callee of one or more callers that are authorized to be directly connected to the callee," and "routing the telephone call to a telephone terminal for the callee if the identified caller is authorized to be directly connected to the callee." Applicants have also amended claim 2.

Applicants submit that claim 1 is nonobvious over Miner '181 and Miner '053 because the references, taken alone or in combination, fail to teach or suggest each and every element of claim 1. See MPEP § 2143 (stating that one of the elements of a *prima facie* case of obviousness under § 103(a) is that the cited references must teach or suggest every limitation of the claimed invention). More specifically, Applicants submit that Miner '181 and Miner '053 fail to teach or suggest at least the following features of claim 1.

First, Applicants submit that Miner '181 and Miner '053 fail to teach or suggest, "receiving an indication from the callee of one or more callers that are authorized to be directly connected to the callee," as recited in claim 1.

Applicants submit that Miner '181 does not teach or suggest the above feature of claim 1 because Miner '181 does not teach or suggest receiving any indication of, "one or more callers that are authorized to be directly connected to the callee," from a callee. In fact, Applicants submit that Miner '181 fails to teach or suggest requiring any authorization for a caller to merely connect with a callee. Applicants do note that the electronic assistant of Miner '181 determines that a caller is a subscriber before giving the caller access to "subscriber functionality." (*See* Miner '181 at col. ln. 57-64.) Applicants submit, however, that Miner '181 fails to teach or suggest receiving any indication concerning authorized callers from the electronic assistant or any other callee.

Applicants also submit that Miner '053 does not teach or suggest the above feature of claim 1. Applicants submit that Miner '053 is directed to an electronic assistant for providing services to a caller. (*See* Miner '053 at col. 2, lns 8-27.) Applicants submit that Miner '053 does not disclose or suggest "receiving an indication from the callee of whether the caller is authorized to be directly connected to the callee," as recited in claim 1. In fact, Miner '053 was not relied on in the Office Action for disclosing this feature.

Second, Applicants submit that Miner '181 and Miner '053 fail to teach or suggest, "routing the telephone call to a telephone terminal for the callee if the identified caller is authorized to be directly connected to the callee," as recited in claim 1.

Applicants submit that Miner '181 does not teach or suggest the above feature of claim 1 because Miner '181 does not teach or suggest routing to any telephone terminal. In fact, Miner '181 discloses an "electronic voice mail message handling system," that routes messages to subscribers at mailboxes and does not route a "telephone call to a telephone terminal," as recited in claim 1. (*See* Miner, Title, col. 2, ln. 9-64.)

Applicants also submit that Miner '053 fails to teach or suggest the above feature of claim 1. Applicants submit that like Miner '181, Miner '053 does not teach or suggest routing to any terminal. In fact, Miner '053 was not relied on in the Office Action for disclosing this feature.

Third, Applicants submit that Miner '181 and Miner '053 fail to teach or suggest, “receiving the name of the callee when spoken by the caller, wherein the callee is a person,” and “identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee,” as recited in claim 1. The Office Action acknowledges that, “the cited portion of Miner ('181) does not disclose that the callee is a person. The cited portion teaches that the callee is a machine.” (*See* Office Action at p. 3.) Thus, Applicants submit that Miner '181 fails to teach or suggest the above features of claim 1. Applicants also submit that Miner '053 fails to teach or suggest the above features of claim 1. In fact, Miner '053 was not relied on in the Office Action for disclosing these features.

Applicants further submit that claim 1 is nonobvious over Miner '181 and Miner '053 because there is no suggestion or motivation from the prior art as a whole for a person of ordinary skill to have modified and/or combined Miner '181 and Miner '053 to realize the invention recited in claim 1 for at least the following reasons. *See* MPEP § 2143 (stating that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings). The Office Action combined elements of Miner '181 to suggest, “receiving the name of the callee when spoken by the caller, wherein the callee is a person,” and “identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee,” as recited in claim 1. (*See* Office Action at p. 3, Miner '181 at col. 11, ln. 36-42.) Applicants submit that there is no motivation for so modifying/combining Miner '181.

In Miner '181, subscribers may access “subscriber functionality” of the system through a log-in sequence including speaking a “special word” or command (wildfire). (*See, id.*) The system then performs voice recognition to determine if the caller is a subscriber. (*See, id.*) Miner '181 also teaches that a caller may leave a message for a subscriber by speaking the subscriber’s name, *i.e.*, “Bill

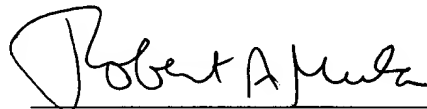
Warner,’ ‘Jane,’ ‘Sally,’ ‘Pete,’ or anyone.” (See Miner ‘181 at col. 11, ln. 42-53.) Although only subscribers may access “subscriber functionality,” any caller may leave a message for a subscriber. (See Miner at col. 11, ln. 42-49.) *Therefore, in Miner ‘181, there is no reason to verify the identity of a caller unless the caller attempts to access the “subscriber functionality” of the system, i.e., the callee is not a person.* As such, Applicants submit that, even if Miner ‘181 teaches, “receiving the name of the callee when spoken by the caller,” and “identifying the caller by analyzing the voice of the caller received when the caller speaks the name of the callee,” which Applicants do not concede, there is no suggestion or motivation to modify Miner ‘181 to include, “wherein the callee is a person,” as recited in claim 1.

For at least the reasons stated hereinabove, Applicants submit that claim 1 is nonobvious over Miner. Applicants further submit that claims 2-8, 10, 13-16 and 27, which depend from claim 1, are also nonobvious over Miner ‘181 and Miner ‘053. See MPEP §2143.03 (stating that if an independent claim is nonobvious under §103(a), then any claim depending therefrom is nonobvious). Accordingly, Applicants respectfully request that the §103 rejections associated with claims 1-8, 10, 13-16 and 27 be withdrawn. Applicants are not otherwise conceding, however, the correctness of the Office’s rejection with respect to any of the dependent claims discussed above and hereby reserve the right to make additional arguments as may be necessary because the dependent claims include additional features that further distinguish the claims from the cited references, taken alone or in combination. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

CONCLUSION

Applicants respectfully request a Notice Of Allowance for the pending claims in the present application. If the Examiner is of the opinion that the present application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below in order that the Examiner's concerns may be expeditiously addressed.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Robert A. Muha", is written over a horizontal line.

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